# LEGISLATIVE COMMITTEES – JUNE 2017 NOTES

SENATE LAW ENFORCEMENT AND CRIMINAL JUSTICE CONFIRMATION COMMITTEE			
Bill Title/Subject Matter	Consideration of the proposed reappointment of Keith Squires as the		
Commissioner of the Department of Public Safety			
Legislator(s) –Sponsor:	Committee		
Interested Parties:			
Code Reference:			

**Description**: The Committee recommended that the Utah Senate approve the nomination of Commissioner Squires to continue as Commissioner of the Department of Public Safety.

## **Meeting Materials:**

- Committee Report
- Public Comment List

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21666

• Consideration of the proposed reappointment of Keith Squires as the Commissioner of the Department of Public Safety

[Action: Sen. Davis MADE A MOTION TO recommend to the Senate the reconfirmation of Commissioner Squires to Commissioner of the Department of Public Safety. PASSED]

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE				
Bill Title/Subject Matter: Update on Medicaid Enhancement				
Legislator(s) –Sponsor:	Nate Checketts, Utah Dept. of Health			
Interested Parties:				
Code Reference:				

**Description:** Update on waiver and implementation of Medicaid enhancement. <u>H.B. 437</u> (2016) included adding psychotropic drugs to the preferred drug list—several are now added, and the tracking of cost savings has begun. The bill also included requests for waivers to expand coverage to some populations. The expansion giving 3,000 - 4,000 more parents Medicaid coverage was approved. Not approved was the targeted expansion for adults without dependent children who are chronically homeless, those involved in the criminal justice system, and those not involved in the criminal justice system but have mental health or substance abuse issues. The Dept. is now in discussions with the Trump administration regarding a revised waiver. The draft waiver consists of several new elements outlined in the draft document below. A public hearing on the proposed changes is scheduled for July 10th. Feedback on the waiver is also being taken via the Dept. Website.

# **Meeting Materials:**

• Proposed Revisions to the 2016 1115 Waiver Amendment Request (Draft)

\*This document is not on the legislative website. It is located on the Utah Dept. of Health Medicaid website.

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view id=2&clip id=21670&meta id=725456

• Update on Medicaid Enhancement

Bill Title/Subject Matter:	Budget Deep-Dive into Opioid Outreach Effort	
Legislator(s) –Sponsor:	Staff	

Interested Parties:	Anna Fondario, Dept. of Health	
Code Reference:		

Description: Issue Brief Summary—The State of Utah has experienced between 236 to 326 prescription opioid deaths annually in the last ten years. In Utah opioid outreach efforts are taking place in two categories: (1) supply and (2) users. To address the user side of opioids, the Department of Health reports that the state: "Implements public awareness efforts focused on opioid risk, overdose signs, naloxone, and safe use, storage, and disposal, hard reduction services such as syringe exchange, disease prevention and naloxone, data collection to identify risk and protective factors to inform prevention efforts, and development and dissemination of educational materials." To address the supply side of opioids, the Department of Health reports that state: "Promotes permanent drop box locations, monitors data related to drug diversion, promotes use of the controlled substance database and prescribing guidelines, and is developing clinical decision-making tools within the controlled substance database." Staff made two recommendations to the committee—details of both are in the brief. The second recommendation was adopted by the committee's (action below). Ms. Fondario reported on the Department of Health's activities regarding opioid outreach. Presentations consisted of the following:

- Overview \*See Issue Brief below for information staff presented
- Review of What We Buy, How We Pay For It
- Recommended Actions for 2018 General Session
- Response from the Department of Health
- Committee Discussion

#### **Meeting Materials:**

• Issue Brief - 2017 Interim - Budget Deep-Dive into Opioid Outreach Efforts

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21674&meta\_id=727518

- Budget Deep-Dive into Opioid Outreach Efforts
- Issue Brief 2017 Interim Budget Deep-Dive into Opioid Outreach Efforts

[Action: Rep. Ward MADE A MOTION THAT the Social Services Appropriations Subcommittee intends that the Department of Health consult with the Public Employees Health Plan on its five changes made regarding opioid prescribing policies. The Department of Health shall report to the Office of the Legislative Fiscal Analyst by October 1, 2017 on whether the department should do something similar in Medicaid for all changes, a proposed timeline for implementation, and the reasons for pursuing or not pursuing each change taken by the Public Employees Health Plan. PASSED]

Bill Title/Subject Matter:	Budget Deep-Dive into Substance Use Disorder Treatment	
Legislator(s) –Sponsor:	Staff	
Interested Parties:	Doug Thomas, Dept. of Heath, Substance Abuse and Mental Health,	
	Director	
	Brent Kelsey, Dept. of Health, Substance Abuse, Assistant Director	
Code Reference:		

**Description:** Issue Brief Summary—The brief describes the landscape of the public system for treatment of substance use disorder (SUD) in Utah. It focuses primarily on the system of 13 Local Substance Abuse Authorities (LSAAs), including drug courts and the Drug Offender Reform Act (DORA) program, with additional discussion of the relevant state level agencies, namely the Department of Human Services - Division of Substance Abuse and Mental Health (DSAMH) and the Department of Health - Division of Medicaid and Health Financing (DMHF). Options for legislative action are provided in the brief, followed by the full discussion and analysis.

- Overview \* See Issue Brief below for information staff presented
- Review of What We Buy, How We Pay For It

- Recommended Actions for 2018 General Session
- Response from the Department of Health
- Committee Discussion

## **Meeting Materials:**

• <u>Issue Brief - 2017 Interim - Budget Deep-Dive into Substance Use Disorder Treatment</u>

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21674&meta\_id=727519

• Budget Deep-Dive into Substance Use Disorder Treatment

## [Action: No action was taken, information only.]

\*No action could be taken because the committee didn't have a quorum. What, if any, recommendations from staff the committee may have taken action on was not discussed.

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE				
Bill Title/Subject Matter:	Subject Matter: Budget Summary from the Session			
Legislator(s) –Sponsor:	Staff			
Interested Parties:				
Code Reference:				

**Description:** Staff for the Committee briefly presented documents containing budget information on executive branch elected offices and certain agencies that comprise the State's criminal justice system.

## **Meeting Materials:**

• Budget of the State of Utah 2017-2018

[Action: No action was taken, information only.]

Bill Title/Subject Matter:	Jail Reimbursement Program		
Legislator(s) –Sponsor:	Staff		
Interested Parties:			
Code Reference:			

**Description:** The Committee received information regarding Utah's Jail Reimbursement Program. Sen Thatcher briefly introduced the topic of jail reimbursement and questioned whether the current structure of the reimbursement creates any negative consequences or incentives? Staff reviewed the program's funding history.

#### **Meeting Materials:**

- Jail Reimbursement Presentation June 2017
- A Performance Audit of Utah's Jail Reimbursement Program
- Brief History of Jail Reimbursement June 2017
- Letters, Background on Jail Reimbursement June 2017
- Historic Statutes 19-78-83 June 2017

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view id=2&clip id=21675&meta id=723451

• Jail Reimbursement - Presentation - June 2017

Bill Title/Subject Matter:	Utah Justice Reinvestment Initiative (JRI) - Update - June 2017
Legislator(s) –Sponsor:	

Interested Parties:	Doreen Weyland, JRI Coordinator, Commission on Criminal and Juvenile Justice Sofia Nystrom, Research Consultant, Commission on Criminal and Juvenile Justice
Code Reference:	

**Description:** The Committee received an update on JRI. The update included:

- Strategies of JRI
- Investments in JRI funding from the legislature
- Activities of state partners
- Review if drug penalty changes
- Review of criminogenic need factors
- Review of jail screening program
- Analysis of DOC data

#### **Meeting Materials:**

• Utah Justice Reinvestment Initiative - Update - June 2017

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21675&meta\_id=723451

- Commission on Criminal and Juvenile Justice (CCJJ) Justice Reinvestment Initiative Status and Performance
- Utah Justice Reinvestment Initiative Update June 2017

[Action: No action was taken, information only.]

Bill Title/Subject Matter:	Board of Pardons and Parole (BOPP) – Electronic Records Appropriation Review
Legislator(s) –Sponsor:	
Interested Parties:	
Code Reference:	

**Description:** The Committee received a presentation by the Board of Pardons and Parole on the implementation of the electronic records management system. Rep. Hutchings was interested in completion date (estimated 2 years) for the project to be completed and requested that the Board communicate with the legislature regarding its needs to expedite conclusion of the project. Rep. Cutler mentioned that DTS should be coming to the Board to cut down on the amount of time BOPP employees are away from their work. The Board reported it had made these arrangements.

#### **Meeting Materials:**

• BOPP EOCJ Committee Presentation

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21675&meta\_id=723453

- Board of Pardons and Parole Electronic Records Appropriation Review
- BOPP EOCJ Committee Presentation

Bill Title/Subject Matter:	Bureau of Criminal Identification (BCI) – Budget Update		
Legislator(s) –Sponsor:			
Interested Parties:	Joe Brown, Division Director II, Public Safety, Dept. of Public Safety		
	Alice Moffat, Division Director, Dept. of Public Safety		

Code Reference:

**Description:** The Committee received a report regarding the function of BCI, its funding and purpose. Core functions related to the Utah Criminal Justice Information System (UCIJUS) were reviewed.

UCJIS			
Support	Criminal History	Licensing	Non-Criminal
			Backgrounds
Training	Public Record Challenges	UC Drivers Licenses	Employment/Volunteer
UCJIS	Utah Computerized	Bail Enforcement	Public Right Of Access
"Crime in Utah"	Criminal History (UCCH)	Investigations	Brady Gun Checks
UCJIS Help Desk	Maintenance	Applicant Fingerprinting -	
	Automated Fingerprint	Services	
	Identification System	Private Investigator	
	(AFIS)	Concealed Firearm Permit	
	Expungement	and Instructors	

Mr. Brown addressed how fees relate to the agencies overall budget. The Committee discussed whether a fee should exceed the amount of the service costs to cover other expenses.

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21675&meta\_id=723455

• Bureau of Criminal Identification - Budget Update

[Action: No action was taken, information only.]

COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS	
Bill Title/Subject Matter:	Law enforcement jurisdiction on federally controlled land in Utah
Legislator(s) –Sponsor:	Rep. Noel
	Rep. Ivory
Interested Parties:	Sheriff Noel, President of the Utah Sherriff's Assoc., Beaver County
	Sheriff Glover, Kane County
Code Reference:	

**Description:** Commission members introduced issues related to the jurisdiction of law enforcement on federally controlled land in Utah. Two sheriffs addressed the Committee regarding issues related to local law enforcement's ability to coordinate with federal agents and jurisdictional difficulties on these lands.

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21678&meta\_id=727037

• Law Enforcement Jurisdiction

[Action: No action was taken, information only.]

BUSINESS AND LABOR INTERIM COMMITTEE	
Bill Title/Subject Matter:	Bail Bond Modifications
Legislator(s) –Sponsor:	Rep. Redd
Interested Parties:	
Code Reference:	

**Description:** The Committee received a presentation of the Behavioral Health Services Vivitrol Program (Salt Lake County). Vivitrol is a long lasting injectable used to treat alcohol and drug dependency (used in coordination with therapy). So far, the program is producing good outcomes—clients are recovering. During the last legislative session, Rep. Redd introduced <u>H.B. 260</u>, which was presented to this Committee as a starting point of legislation he will propose next session. The revised bill will no longer allow Vivitrol therapy as an

alternative to bail—instead it will be some provision of bail. He stated that the intent of his bill would be to give an individual the ability to choose Vivitrol treatment before leaving jail and/or in the community while awaiting trial

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21684&meta\_id=725665

• Bail Bond Modifications

[Action: No action was taken, information only.]

GOVERNMENT OPERATIONS INTERIM COMMITTEE	
Bill Title/Subject Matter: Review of Entities with Legislative Participation	
Legislator(s) –Sponsor:	Committee Members
Interested Parties:	
Code Reference:	

**Description:** The Legislative Management Committee asked the Committee to review each entity in which legislative participation is required by statute to determine the entity's effectiveness and recommend whether the entity should be repealed or modified. A document was compiled that lists the 66 committees, boards, commissions, or other entities that fall under the committee's study—some of which are criminal-justice related committees. Boards were listed as either keep or review. Some of the boards from that list are as follows:

Keep	Review
Commission on Criminal and Juvenile Justice	Advisory Board on Children's Justice
Elected Official and Judicial Compensation Commission	Indigent Defense Commission
Judicial Conduct Commission	Interstate Commission for Adult Offender Supervision
Mental Health Crisis Line Commission	Online Court Assistance Program Policy Board Utah
Prison Development Commission	Substance Use and Mental Health Advisory Council
Sentencing Commission	

<sup>\*</sup>See meeting materials below for a full listing of the 66 committees.

#### **Meeting Materials:**

- Legislative Participation Entities Second Committee Detailed
- Audio

http://utahlegislature.granicus.com/MediaPlayer.php?view id=2&clip id=21682&meta id=726777

- Review of Entities with Legislative Participation
- Legislative Participation Entities Second Committee Detailed (2)
- Boards and Commissions with Legislative Participation

[Action: Rep. Peterson MADE A MOTION that any entity that has not met three times or more would be automatically on the reviewed, unless it was created in 2017. PASSED]

\*Whether other entities stay on the review list will be the subject of further discussion by the committee.

HEALTH AND HUMAN SERVICES INTERIM COMMITTEE	
Bill Title/Subject Matter:	Mental Health
Legislator(s) –Sponsor:	
Interested Parties:	Brandon Hatch, MBA, CEO, Davis Behavioral Health & Chair of the Utah
	Behavioral Health Council
	Jon Hardy, Division Director, Housing and Community Development
	Division (HCDD), Department of Workforce Services
	Dave Walsh, Deputy Director, Commission on Criminal and Juvenile

	Justice Jeremy Christensen, LCSW, Assistant Director, Utah Department of Human Services, Division of Substance Abuse and Mental Health
Code Reference:	

**Description:** The Committee received presentations and discussed resources available through the public mental health system for the treatment of persons experiencing a serious mental illness. The Committee also discussed the link between mental illness and homelessness, and the potential impacts of recent federal legislation. Rep. Ray will be working with Mr. Christensen on funding more beds at the state hospital during the next legislative session. Jon Hardy discussed the Housing First Program and supportive services.

#### **Meeting Materials:**

- 21st Century Cures Act (Public Law 114-255): A Section-by-Analysis (NASADAD; see Division B, Helping Families in Mental Health Crisis)
- Summary of Key Mental Health and Criminal Justice Provisions in H.R. 34 (NAMI)
- Mental Health System in Utah (Source: Utah Division of Substance Abuse and Mental Health)
- FY2016 Mental Health Mandated SMI Scorecard -- Youth (Source: Utah Division of Substance Abuse and Mental Health)
- <u>21st Century Cures Act (Public Law 114-255)--Summary (Source: Utah Division of Substance Abuse and Mental Health)</u>

**Audio:** <a href="http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21682&meta\_id=726777">http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21682&meta\_id=726777</a>

Mental Health

[Action: No action was taken, information only.]

POLITICAL SUBDIVISIONS INTERIM COMMITTEE	
Bill Title/Subject Matter:	Local Government Enforcement Mechanisms
Legislator(s) –Sponsor:	Sen. Thatcher
Interested Parties:	
Code Reference:	

**Description:** The review of this issue is ongoing. Discussions include the following topics:

- Changing the presumptive default penalty from a class B to an infraction
- Filing of penalties by certain non-law enforcement officers
- Requiring counties to provide indigent defendants with representation when penalties are class B or class C

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21685&meta\_id=726654

• Local Government Enforcement Mechanisms

JUDICIARY INTERIM COMMITTEE		
Bill Title/Subject Matter:	JRI, Department of Corrections, and Drug Courts	
Legislator(s) –Sponsor:		
Interested Parties:	Doreen Weyland, JRI Coordinator, Commission on Criminal and Juvenile Justice	
	Sofia Nystrom, Research Consultant, Commission on Criminal and	
	Juvenile Justice Rick Schwermer, State Court Administrator, Administrative Office of the	

	Courts
Code Reference:	

**Description:** The committee received the following reports:

- Implementation of 2015 General Session H.B. 348, Criminal Justice Programs and Amendments
- Department of Corrections' Performance Goals Outcome Measurements
- Drug courts and how drug courts are impacted by the justice reinvestment initiative

## **Meeting Materials:**

- About Utah's Justice Reinvestment Initiative
- Long Title, 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments"
- Utah Justice Reinvestment Initiative -- 2016 Annual Report
- Utah Code Section 64-13-25. Standards for programs -- Audits
- <u>Utah Code Title 78A, Chapter 5, Part 2, Drug Court</u>

**Audio:** <a href="http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21689&meta\_id=727906">http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21689&meta\_id=727906</a>

- JRI, Department of Corrections, and Drug Courts
- Restricting Contact to Protect the Personal Safety of an Individual

[Action: No action was taken, information only.]

Bill Title/Subject Matter:	Restricting Contact to Protect the Personal Safety of an Individual
Legislator(s) –Sponsor:	
Interested Parties:	Patricia Owen, Associate General Counsel
	Brent Johnson, Administrative Office of the Courts
	William Carlson, Statewide Association of Prosecutors
Code Reference:	

**Description:** The Committee received information regarding the various types of protective orders and other methods of placing restrictions on an individual to protect the personal safety of another individual. The Committee examined confusing overlaps, conflicts that affect court processes, and victim safety and defendant rights. Rep. Hall brought up issues related to alimony as another area for the committee to discuss.

## **Meeting Materials:**

- Statutes: Restricting Contact with Individuals
- Potential Domestic Violence Statute Issues

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21689&meta\_id=727906

- Restricting Contact to Protect the Personal Safety of an Individual
- Statutes: Restricting Contact with Individuals

[Action: Rep. Snow MADE A MOTION TO open a bill titled Protective Order. PASSED] [Action: Rep. Hall MADE A MOTION TO open a bill file named Alimony. PASSED]

LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE	
Bill Title/Subject Matter:	Utah Sentencing Commission – Review of the Master Offense List
Legislator(s) –Sponsor:	
Interested Parties:	Jennifer Valencia, Director of the Utah Sentencing Commission
Code Reference:	
<b>Description:</b> Pursuant to S.B. 215, passed in the last legislative session, the Sentencing Commission created and	

presented the Master Offense List to the committee. The Master Offense List is a document that contains all offenses that exist in statute and each offense's associated penalty.

# **Meeting Materials:**

- S.B. 215
- Master Offense Presentation
- Master Offense List

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21690&meta\_id=725427

• Utah Sentencing Commission - Review of the Master Offense List

[Action: No action was taken, information only.]

Bill Title/Subject Matter:	Increased fees for concealed firearm permits
Legislator(s) –Sponsor:	Sen. Thatcher
Interested Parties:	Alice Moffat, Division Director of the Bureau of Criminal Identification at
	the Utah Department of Public Safety
Code Reference:	

**Description:** The Committee received a report from the Bureau of Criminal Identification regarding the process and purpose of raising fee rates for concealed firearm permits. The Committee discussed proposed changes to Utah Code regarding concealed carry permit fees.

#### **Meeting Materials:**

- Utah Code 53-5-707
- Concealed Carry Permit Fees Annual Report
- Department of Public Safety Fee Amendments
- BCI Expenditure Report

Audio: http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21690&meta\_id=725428

• Increased fees for concealed firearm permits

[Action: No action was taken, information only.]

Bill Title/Subject Matter	Injury and PTSD Among Law Enforcement Officers
Legislator(s) –Sponsor:	
Interested Parties:	Sergeant Brent J. Shelby, Utah Highway Patrol Sergeant Lisa Pascadlo, Executive Administrative Sergeant, Peer Support
	Coordinator at Salt Lake City Police Department
	Cathy Dupont, Deputy Director for PEHP
Code Reference:	

**Description:** The Committee heard from law enforcement officers, PEHP, and the Utah Critical Incident Stress Management Team about current resources for officers with PTSD, and discussed suggestions for further improvement.

#### **Meeting Materials:**

- Law Enforcement Peer Counseling Amendments
- Utah Code 34A-2-402
- Colorado Revised Statute 13-90-107
- Texas H.B. No. 1983

- 2015 Colorado Legislative PTSD Task Force
- Critical Incident Stress Management State Comparison
- PTSD Services for First Responders

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21690&meta\_id=725429

• Injury and PTSD Among law enforcement officers

[Action: No action was taken, information only.]

TRANSPORTATION INTERIM COMMITTEE	
Bill Title/Subject Matter:	Driving Under the Influence (DUI)
Legislator(s) –Sponsor:	
Interested Parties:	Sarah Longwell, American Beverage Institute
	Melva Sine, Utah Restaurant Association
	Mary Crafts-Homer, Visit Salt Lake
	Kaitlin Eskelson, Utah Tourism Industry Association
	Dave Morris, Utah Hospitality Association
	Theresa Foxley, CEO, Economic Development Corporation of Utah
	Todd Kiser, Commissioner, Utah Insurance Department
	Paul Martin, Director of State Affairs, Southwestern Region, National
Code Reference:	

**Description:** H.B. 155 was passed during the 2017 General Session and was subsequently signed into law by the governor. The bill changes the legal blood alcohol level limit for a per se DUI violation from 0.08% to 0.05% in Utah. However, the new law goes into effect December 30, 2018. The Transportation Interim Committee has been asked to perform a comprehensive review of Utah's DUI laws, including any unintended consequences resulting from H.B. 155, and recommend any potential legislative changes. The Committee heard from individuals and groups associated with the tourism, hospitality, restaurant, economic development, and insurance industries.

**Audio:** http://utahlegislature.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=21693

- Driving Under the Influence (DUI)
- American Beverage Institute Graphs (Longwell)
- CBSNEWS-Utah Faces Backlash (Longwell)
- L.A. Times-Liquor Lobbying Group Declares War on Utah (Longwell)
- Letter from American Beverage Institute (Longwell)
- Salt Lake Trib.- Founder of MADD Says Utah is Unhelpful (Longwell)
- S.L. Tribune-Group Fighting Utah's Alcohol Limit (Longwell)
- Drinking Ages (Longwell)
- DUI Penalties (Longwell)
- Traffic Fatalities (Longwell)
- Alcohol .05 Statistics (Adams)
- Utah Economic and Business Review (Rasmussen)